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REMARKS/DISCUSSION OF ISSUES

Claims 1-12 are pending in the application.

The Examiner is respectfully requested to acknowledge the claim for priority and receipt of certified copies of all the priority documents.

Claim 3 is amended for non-statutory reasons, to spell out the acronym at its first appearance in the claims. Claims 6 and 7 are also amended to remove the descriptive language "such as." The claims are not narrowed in scope.

OBJECTIONS TO THE SPECIFICATION

The Office Action objects to the specification because it does not include section headings.

Applicants thank the Examiner for providing information about recommended section headings. However, applicants respectfully decline to add the section headings. Section headings are not statutorily required for filing a non-provisional patent application under 35 USC § 111(a), but per 37 CFR § 1.51(d) are only guidelines that are suggested for applicant's use. (See Miscellaneous Changes in Patent Practice, Response to comments 17 and 18 (Official Gazette, August 13, 1996) [Docket No: 950620162-6014-02] RIN 0651-AA75 ("Section 1.77 is permissive rather than mandatory. ... [T]he Office will not require any application to comply with the format set forth in 1.77")).

Accordingly, Applicants respectfully request that the Examiner withdraw the objections to the Specification.

35 U.S.C. § 103

The Office Action rejects: claims 1-4 and 8-12 under 35 U.S.C. § 103 over Gibbs et al. U.S. Patent 6,169,725 ("Gibbs"); claim 5 over Gibbs in view of Li U.S. Patent 6,519,594 ("Li"); claim 6 over Gibbs in view of Mein et al. U.S. Patent 6,547,066 ("Mein"); and claim 7 over Gibbs in view of Humpleman et al. U.S. Patent 6,182,094 ("Humpleman").

Applicants respectfully traverse those rejections and submits that all of the

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claims 1-12 are patentable over the cited prior art for at least the following reasons.

Claim 1

Among other things, the system of claim 1 includes a remote device operative to load an API emulator operative to provide a callable interface for functions of the in-home application protocol, and to supply this API functionality by communicating with a module in the intermediate device using remote protocols.

Applicants respectfully submit that Gibbs wholly fails to disclose or suggest any remote device including this combination of features.

The Office Action states that a Full AV (FAV) node in an HAVi in-home network corresponds to the recited remote device.

Applicants respectfully disagree.

Clearly the FAV node in Gibbs is one of the in-home devices of the in-home network and communicates using the in-home (e.g., HAVi) protocols, and is not a remote device that communicates with the in-home network using remote protocols.

Accordingly, the FAV node in Gibbs: (1) is not operative to load an API emulator operative to provide a callable interface for functions of the in-home application protocol; and (2) does not supply this API functionality by communicating with a module in any intermediate device using any remote protocols.

First, the FAV node in Gibbs does not load any API emulator.

The Office Action states that such a feature is shown in FIG. 5, and is disclosed in col. 4, lines 10-44.

Applicants respectfully disagree. Neither FIG. 5 nor the cited text make any mention or suggestion whatsoever of any API emulator (or any other emulator), and certainly do not suggest that an FAV node is operative to load any such API emulator. Indeed, the cited text never even mentions an FAV at all!

Second, the FAV node in Gibbs does not communicate with any module in any intermediate device using any remote protocols.

The Office Action states that such a feature is disclosed in col. 7, lines 55-65, and col. 11, lines 29-67 where the CMM supposedly corresponds to the module, an IAV supposedly corresponds to the intermediate device, and the predefined

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message set supposedly corresponds to the remote protocols.

Applicants respectfully disagree. At the outset, the cited text does not disclose or suggest that the FAV node communicates with any CMM in an IAV node. Indeed, the text states that the FAV node has its own CMM. Furthermore, the predefined message set is not a "remote protocol," it is part of the in-home (HAVi) protocols! Finally, the cited text certainly does not even remotely suggest that an FAV node ever communicates at all with an IAV node using any remote protocols. Instead, Gibbs discloses that the FAV node communicates with the IAV node using the normal in-home (HAVi) protocols.

Accordingly, for at least these reasons, Applicants respectfully submit that claim 1 is patentable over Gibbs.

Also among other things, the system of claim 1 includes an intermediate device operative to communicate with the remote device using predetermined remote protocols including a remote application protocol which differs from the in-home application protocol.

Applicants respectfully submit that Gibbs wholly fails to disclose or suggest any remote device including this combination of features.

The Office Action states that such a feature is disclosed at col. 7, lines 55-65 as the predefined message set.

Applicants respectfully disagree.

The predefined message set is not a "remote application protocol which differs from the in-home application protocols." Indeed, the predefined message set is an integral part of the in-home (HAVi) protocols!

Accordingly, for at least these additional reasons, Applicants respectfully submit that claim 1 is patentable over Gibbs.

Further among other things, the system of claim 1 includes an intermediate device having a module for communicating between an API emulator in the remote device and an API in the intermediate device, establishing a substantially transparent communication path between a portable application program in the remote device and the API in the intermediate device.

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The Office Action fairly admits that <u>Gibbs</u> does not disclose such a feature, but instead states that:

> "It would have been obvious to one of ordinary skill in the art at the time
> the invention was made to recognize that in order to manipulate the
> havlet, the message system has to be used for communicate (sic)
> between elements because it would allow the remote device to bind the
> intermediate device to provide service to user."

Applicants respectfully traverse that statement, and the proposed modification of <u>Gibbs</u> as lacking any suggestion at all in the prior art and as not even making any sense.

The Office Action has provided absolutely no support for the alleged motivation to combine the references. M.P.E.P. § 2143.01 provides that:

> "Obviousness can only be established by combining or modifying the
> teachings of the prior art to produce the claimed invention where there
> is some teaching, suggestion, or motivation to do so found either
> explicitly or implicitly in the references themselves or in the knowledge
> generally available to one of ordinary skill in the art."

No such teaching or suggestion has been provided here.

Accordingly, for at least these additional reasons, Applicants respectfully submit that claim 1 is patentable over <u>Gibbs</u>.

<u>Claims 2-4 and 8-9</u>

Claims 2-4 and 8-9 depend from claim 1 and are therefore deemed to be patentable over <u>Gibbs</u> for at least the reasons set forth above with respect to claim 1.

<u>Claim 5</u>

Claim 5 depends from claim 1. Applicants respectfully submit that <u>Li</u> does not remedy the shortcomings of <u>Gibbs</u> with respect to claim 1. Accordingly, Applicants

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respectfully submit that claim 5 is patentable over any possible combination of <u>Gibbs</u> and <u>Li</u> for at least the reasons set forth above with respect to claim 1, and for the following additional reasons.

In the system of claim 5, the remote protocols are based on Internet protocols.

The Office Action fairly admits that <u>Gibbs</u> does not disclose or suggest such a feature. However, the Office Action states that <u>Li</u> discloses an Internet protocol and that:

> "It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Gibbs and Li's system because Li's Internet protocols are suitable and convenience (sic) for the communication of the home audio and video interoperability system."

Applicants respectfully traverse that statement, and the proposed combination as lacking any suggestion at all in the prior art and as not even being combinable in any event as proposed.

At the outset, the Office Action has provided absolutely no support for the alleged motivation to combine the references. M.P.E.P. § 2143.01 provides that:

> "Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art."

No such teaching or suggestion has been provided here.

Furthermore, the references are not even properly combinable as has been proposed. According to the Office Action, the "remote protocols" in <u>Gibbs</u> is a predefined message set. How is one supposed to modify <u>Gibbs</u> to replace or modify

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the predefined message set to be "based on Internet protocols?" The Office Action doesn't say. And with good reason, since such a replacement or modification makes no sense.

Accordingly, for at least these additional reasons, Applicants respectfully request that the rejection of claim 5 over the proposed combination of <u>Gibbs</u> and <u>Li</u> be withdrawn.

<u>Claim 6</u>

Claim 6 depends from claim 1. Applicants respectfully submit that <u>Mein</u> does not remedy the shortcomings of <u>Gibbs</u> with respect to claim 1. Accordingly, Applicants respectfully submit that claim 6 is patentable over any possible combination of <u>Gibbs</u> and <u>Mein</u> for at least the reasons set forth above with respect to claim 1.

<u>Claim 7</u>

Claim 7 depends from claim 1. Applicants respectfully submit that <u>Humpleman</u> does not remedy the shortcomings of <u>Gibbs</u> with respect to claim 1. Accordingly, Applicants respectfully submit that claim 7 is patentable over any possible combination of <u>Gibbs</u> and <u>Li</u> for at least the reasons set forth above with respect to claim 1, and for the following additional reasons.

In the system of claim 7, information to be communicated between an API emulator of a remote device and a module of an intermediate device of the in-home network are described using a mark-up language.

The Office Action fairly admits that <u>Gibbs</u> does not disclose or suggest such a feature. However, the Office Action states that <u>Humpleman</u> discloses a mark-up language and that:

> "It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Gibbs and Humpleman's system because Humpleman's XML is well known specifically designed for web documents and enabling the transmission and interpretation of data between applications."

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Applicants respectfully traverse that statement, and the proposed combination as lacking any suggestion at all in the prior art.

The Office Action has provided absolutely no support for the alleged motivation to combine the references. M.P.E.P. § 2143.01 provides that:

> "Obviousness can only be established by combining or modifying the
> teachings of the prior art to produce the claimed invention where there
> is some teaching, suggestion, or motivation to do so found either
> explicitly or implicitly in the references themselves or in the knowledge
> generally available to one of ordinary skill in the art."

No such teaching or suggestion has been provided here. What does the fact that "XML is well known specifically designed for web documents" have to do with Gibbs? Where does Gibbs say anything at all about Web documents? Why would the fact that "XML is well known specifically designed for web documents" lead one to modify Gibbs to produce the system of claim 7? The Office Action does not say.

Accordingly, for at least these additional reasons, Applicants respectfully request that the rejection of claim 5 over the proposed combination of Gibbs and Li be withdrawn.

Claim 10

Among other things, the remote device of claim 10 is operative to load an API emulator operative to provide a callable interface for functions of an in-home application protocol, and to supply this API functionality by communicating with a module in an intermediate device using remote protocols, including a remote application protocol which differs from the in-home application protocol.

As explained above with respect to claim 1, Gibbs does not disclose any such remote device.

Accordingly, for at least these additional reasons, Applicants respectfully submit that claim 1 is patentable over Gibbs.

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Claim 11

Among other things, the intermediate device of claim 11 is operative to communicate with the remote device using predetermined remote protocols including a remote application protocol which differs from the in-home application protocol.

As explained above with respect to claim 1, Gibbs does not disclose or suggest any such intermediate device.

Accordingly, for at least these additional reasons, Applicants respectfully submit that claim 11 is patentable over Gibbs.

Claim 12

Among other things, the method of claim 12 includes: (1) a remote device loading and executing an API emulator operative to provide a callable interface for functions of an in-home application protocol, and to supply this API functionality by communicating with a module in the intermediate device using the remote protocols; and (2) an intermediate device loading and executing a module for communicating between the API emulator in the remote device and an API in the intermediate device, establishing a substantially transparent communication path between a portable application program in the remote device and the API in the intermediate device.

As explained above with respect to claim 1, Gibbs does not disclose or suggest any such features.

Accordingly, for at least these additional reasons, Applicants respectfully submit that claim 12 is patentable over Gibbs.

CONCLUSION

In view of the foregoing explanations, Applicants respectfully request that the Examiner reconsider and reexamine the present application, allow claims 1-12 and pass the application to issue. In the event that there are any outstanding matters remaining in the present application, the Examiner is invited to contact Kenneth D. Springer (Reg. No. 39,843) at (703) 715-0870 to discuss these matters.

If necessary, the Commissioner is hereby authorized in this, concurrent, and

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future replies to charge payment or credit any overpayment (except for the issue fee)
to Deposit Account No. 50-0238 for any additional fees required under 37 C.F.R. §
1.16 or under 37 C.F.R. § 1.17, particularly extension of time fees.

Respectfully submitted,

VOLENTINE FRANCOS & WHITT, P.L.L.C.

Date: 1 October 2004   By: _____
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